

### *Senate Bill Would Cut Funds that Arizona's House Delegation Fought to Protect*

WASHINGTON - U.S. Rep Harry Mitchell today called on the U.S. Senate to block a \$172 million cut to the State Criminal Alien Assistance Program (SCAAP) that reimburses state and local law enforcement agencies for the cost of arresting and jailing illegal immigrants. Mitchell and other members of Arizona's delegation to the U.S. House of Representatives have led the fight in the House to protect the program.

"When state and local governments are forced to step in and do the federal government's job, it is only fair that they be reimbursed," Mitchell said. "We were able to protect SCAAP funding in the House. It is now incumbent on the Senate to block this cut if they are serious about immigration enforcement and reimbursing states like Arizona for keeping criminal illegal immigrants behind bars."

The Senate version of Fiscal Year (FY) 2010 Commerce, Justice, Science (CJS) Appropriations bill contains only \$228 million for State Criminal Alien Assistance Program (SCAAP), a \$172 million cut from last year's level of \$400 million. [Source: [Congressional Quarterly](#), September 14, 2009]

Mitchell has signed onto a bipartisan letter to the House Commerce Justice Science Appropriations Subcommittee Chairman and Ranking Member, asking them to reject any cuts to SCAAP that the Senate may pass when the bill reaches a House-Senate conference.

In June, Mitchell, along with Representatives Gabrielle Giffords and Ann Kirkpatrick, wrote to Democrat and Republican leadership on the House Appropriations Committee to request the

full restoration of funding for SCAAP following the Administration's Fiscal Year 2010 budget which zeroed out the fund. The subcommittee restored \$300 million for SCAAP for FY 2010, falling 25 percent short of last year's levels.

Later that month, Mitchell, joined by a coalition of representatives from Arizona and the Southwest, successfully passed an amendment to block the final \$100 million in cuts ensuring the House bill would include the full \$400 million for the program. [Source: [Arizona Republic](#), June 18, 2009]

SCAAP is a critical source of funds for cash-strapped state and local agencies that are forced to divert resources from public safety services to deal with illegal immigrants. In 2008, the Arizona Department of Corrections (ADC) received \$12.8 million from the federal government to house the 5,600 criminal illegal immigrants who were in state prisons. That is only 10 percent of the \$124 million Arizona spent to house illegal immigrant inmates that year. ADC estimates it will spend \$128 million in 2009 to house, clothe, feed and provide medical care to illegal immigrant inmates. That is over 10 percent of the Department's \$978 million budget. Currently, Arizona's state prisons hold 6,100 illegal immigrants, which is 15 percent of the total inmate population.

*Below is the text of Mitchell's letter to the House Commerce Justice Science Appropriations Subcommittee Chairman and Ranking Member:*

Dear Chairman Mollohan and Ranking Member Wolf:

As you prepare to conference the House and Senate versions of the Fiscal Year 2010 Commerce, Justice, Science Appropriations bills, we urge you to support the inclusion of \$400 million for the State Criminal Alien Assistance Program (SCAAP) in the conference negotiations.

As you know, SCAAP is a program which reimburses states for the costs of incarcerating undocumented criminal aliens. The presence of undocumented, convicted criminals in state and local correctional facilities indicates a failure of the federal government to live up to its responsibility. Under the law that created SCAAP, the federal government is required to take all criminal aliens into federal custody. If that is not possible, which has been the case since the

program was created, the law calls for the federal government to compensate state and local governments for their incarceration costs.

In 2008, SCAAP funds were distributed to 812 localities throughout 43 states and 49 state governments. Although the program has never been fully funded and provides only partial reimbursement, any diminution in funding would unduly increase costs on states and localities across the country at a time when they are least able to bear them.

In his FY2010 budget request, President Obama proposed no funding for SCAAP. With your leadership, the House CJS Subcommittee provided \$300 million for this program, and the full House increased this level to the FY2009 level of \$400 million during floor consideration of the bill. The Senate has provided only \$228 million for SCAAP. There is broad support for SCAAP funding in the House, and we are committed to funding SCAAP and urge you to support the House-passed amount of \$400 million during conference.

We cannot afford to reduce this vital program, which already falls far short of what states and local governments actually spend to incarcerate undocumented criminal aliens. Without such funding, the burden will result in cuts to many of our local law enforcement agencies including sheriffs, police officers, anti-gang violence units, and district attorney offices.

By law, it is the responsibility of the federal government to provide funding for SCAAP. On behalf of the state and local governments that would be negatively affected by further underfunding the program, we urge you to support the House provided amount for SCAAP, and appreciate your consideration of our concerns.